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Thursday January 12, 2012

# International Authorizations Granted Section 214 Applications (47 C.F.R. § 63.18); Section 310(b)(4) Requests

The following applications have been granted pursuant to the Commission's streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing applications accepted for filing.

Unless otherwise noted, these grants authorize the applicants (1) to become a facilities-based international common carrier subject to 47 C.F.R. § 63.22; and/or (2) to become a resale-based international common carrier subject to 47 C.F.R. § 63.23; or (3) to exceed the 25 percent foreign ownership benchmark applicable to common carrier radio licensees under 47 U.S.C. § 310(b)(4).

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules in regard to the grant of any of these applications may be filed within thirty days of this public notice (see Section 1.4(b)(2)).

An updated version of Sections 63.09–.25 of the rules, and other related sections, is available at http://www.fcc.gov/ib/pd/pf/telecomrules.html.

For additional information, please contact the FCC Reference and Information Center, Room CY-A257, 445 12th Street SW, Washington, D.C. 20554, (202) 418-0270.

ITC-214-20110323-00078 E Emerging Connections LLC

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Grant of Authority Date of Action: 01/09/2012

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

ITC-214-20110713-00199 E HOUSSA HOLDINGS LLC d/b/a WOW Telekom

International Telecommunications Certificate

Service(s):

Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Grant of Authority Date of Action: 01/06/2012

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

ITC-214-20111207-00377 E E Z Call Telecom Inc.

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Grant of Authority Date of Action: 01/06/2012

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

ITC-214-20111212-00365 E Simplexity MVNO Services, LLC

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Grant of Authority Date of Action: 01/06/2012

Application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(2).

ITC-214-20111212-00374 E Mobile Annex, LLC

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Grant of Authority Date of Action: 01/06/2012

Application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules, and also to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules, 47 C.F.R. § 63.18(e)(1), (2).

ITC-ASG-20111222-00421 E Alpheus Communications, LLC

Assignment

Grant of Authority Date of Action: 01/11/2012

Current Licensee: Alpheus Communications, L.P.

**FROM:** Alpheus Communications, L.P. **TO:** Alpheus Communications, LLC

Notification filed December 22, 2011, of the pro forma assignment of international section 214 authorization, ITC-214-20070420-00148, held by Alpheus Communications, L.P. (Alpheus LP), to Alpheus Communications, LLC (Alpheus LLC), effective December 8, 2011. Alpheus LP underwent a corporate format change from a Delaware limited partnership to a Delaware limited liability company. Contemporaneously, a new holding company, Alpheus Holding LLC, a Delaware limited liability company, was inserted into the corporate structure as the direct 100% parent of Alpheus LLC.

ITC-T/C-20111201-00363 E Hypercube Telecom, LLC

Transfer of Control

Grant of Authority Date of Action: 01/06/2012

Current Licensee: Hypercube Telecom, LLC

FROM: Hypercube, LLC

TO: Rubik Acquistion Company, LLC

Application filed for consent to the transfer of control of international section 214 authorization, ITC-214-20050203-00058, held by HyperCube Telecom, LLC (Hypercube Telecom), from its 100% parent HyperCube, LLC (HyperCube Parent), to Rubik Acquisition Company, LLC (Rubik). Pursuant to the terms of a Securities Purchase Agreement (Agreement) dated November 23, 2011, Rubik will acquire all of the membership interests in Hypercube Parent directly from its current members with the exception of Annex Holdings HC Corporation, which currently holds 26.06% membership interests in HyperCube Parent. Rubik will acquire Annex's interest by acquiring all of the equity in Annex. Upon completion of the proposed acquisitions, Rubik will have a direct 73.94% interest in HyperCube Parent and a 26.06% indirect interest through Annex. Hypercube will thus be an indirect wholly-owned subsidiary of Rubik.

Rubik is a wholly owned subsidiary of West Corporation (West). The following individuals or entities, all U.S. citizens, hold a direct 10 percent or greater ownership interest in West: Gary L. West and Mary E. West (West family) (each 12.5%); The Quadrangle Group (Quadrangle) (collectively 12.5%); and the Funds of Thomas H. Lee (THL), a private equity firm, holds an aggregate interest of approximately 60% in West through six (6) subsidiary funds (the THL Funds), namely, Thomas H. Lee Equity Fund VI, L.P. (24.9%); Thomas H. Lee Parallel Fund VI, L.P. (16.9%); Thomas H. Lee Parallel (DT) Fund VI, L.P (2.9%); THL Equity Fund VI Investors (West), L.P. (13.1%); THL Equity Fund VI Investors (West), L.P. (13.1%); THL Equity Fund VI Investors (West), L.P. (13.1%); THL Equity Advisors VI) is general partner of all THL Funds except THL Coinvestment Partners. Thomas H. Lee Partners, L.P. (THL Partners) is the general partner of ThL Coinvestment Partners. THL Equity Advisors VI. Thomas H. Lee Advisors, LLC (Advisors) is the general partner of Thomas Lee Partners, L.P. Voting or investment control over securities that the THL Funds are acted upon by the majority vote of members of a ten-member committee, consisting currently of all U.S. citizens: Todd M. Abbrecht, Charles A. Brizius, Anthony J. DeNovi, Thomas M. Hagerty, Scott L. Jaeckel, Seth W. Lawry, Soren L. Oberg, Scott A. Schoen, Scott M. Sperling, and Kent R. Weldon.

Quadrangle holds its interest through three (3) entities: Quadrangle Capital Partners II, LP, Quadrangle Select Partners II LP, and Quadrangle Capital Partners II-A LP (together Quadrangle Funds). Voting or investment control over securities that are owned by Quadrangle Funds are acted upon by the investment committee of QCP GP Investors II LLC as general partner of Quadrangle GP Investors II LP, the common general partner of the Quadrangle Funds. The current members of the investment committee of QCP GP Investors II LLC are Michael A. Huber and Peter R. Ezersky, both U.S. citizens. No other individual or entity will hold a ten percent or greater direct or indirect equity or voting interest in West or HyperCube.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

ITC-T/C-20111214-00370 E BFI Licenses, LLC

Transfer of Control

Grant of Authority Date of Action: 01/06/2012

Current Licensee: BFI Licenses, LLC

FROM: BFI Investors, LLC

TO: CSC Encompass Holdings, LLC

Application filed for consent to the transfer of control of international section 214 authorization, ITC-214-19940411-00382 (Old File No.ITC-94-083), held by BFI License, LLC (BFI), from BFI Investors, LLC (BFI Investors) to CSC Encompass Holdings, LLC (CSC Holdings). BFI is an indirect wholly-owned subsidiary of Encompass Digital Media Group, Inc. (EDMG). Pursuant to the terms of a share purchase agreement, CSC Holdings will acquire all of the interests in EDMG currently held by BFI Investors (62.1%), and Tennenbaum Capital Partners, LLC (TCP) (10.7%), and approximately half of the shares owned by Simon Bax and William Tillson (approximately 13.1% each). CSC Holdings will then have an approximately 88.7% ownership of EDMG and control of BFI.

CSC Holdings is a holding company for two investment funds, Court Square Capital Partners II, LP (CSC Fund II) and Court Square Capital Partners (Executive) II, LP (CSC Executive II) (together Court Square Funds), each of which is a Delaware limited partnership. The Court Square Funds will collectively hold an 88.7% indirect interest in BFI through their interest in CSC Holdings. CSC Fund II will hold 98.13% of the LLC interests in CSC Holdings. CSC Fund II is owned by numerous limited partners consisting of pension funds, individuals, and institutions, none of whom will hold 10 percent or greater direct or indirect ownership interests in CSC Holdings. CSC Fund II is managed by and controlled by its general partner Court Square Capital GP, LLC (the GP), a Delaware limited liability company that is owned by investment professional at Court Square, all U.S. citizens. None of the owners of GP will hold a 10 percent or greater ownership interest in BFI. The GP is managed and controlled by a Board of Managers (Board) consisting of six (6) members of the GP, all U.S. citizens: William Comfort, David Thomas, Michael Delaney, Joseph Silvestri, Ian Highet, and John Weber, who were appointed in the limited liability company agreement of the GP and will continue to serve on the Board so long as they remain investment professionals at Court Square. Decisions of the Board, including designation of replacement members, are made by the approval of a majority of the Board members. Pursuant to the terms of an investment management agreement, certain of CSC Funds II's investment decisions have been delegated to an investment committee comprised of the board members of the GP and Thomas McWilliams, a U.S. citizen. No other individual or entity will have a ten percent or greater direct or indirect equity or voting interest in CSC Holdings of BFI.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

ITC-T/C-20111214-00371 E Airadigm Communications, Inc.

Transfer of Control

Grant of Authority Date of Action: 01/06/2012

Current Licensee: Airadigm Communications, Inc.
FROM: Wisconsin Wireless Communication Corporation
TO: TELEPHONE AND DATA SYSTEMS, INC.

Application filed for consent to the transfer of control of international section 214 authorization, ITC-214-19960621-00262 (Old File No. ITC-96-339), held by Airadigm Communications Inc. (Airadigm), from Wisconsin Wireless Communication Corporation (WWCC) to Telephone and Data Systems Inc. (TDS). On September 23, 2011, TDS acquired control of Airadigm pursuant to a Plan of Reorganization that was approved by an order of the United States Bankruptcy Court for the Eastern District of Wisconsin (Order rel. Oct. 27, 2006, Case No. 06-10930-11), and confirmed by the final order entered by the United States Court of Appeals for the Seventh Circuit. See In re Airadigm Communications, 519 F.3d 640 (7th Cir. 2008); In re Airadigm Communications v. FCC, 547 F.3d 763 (7th Cir. 2009); In re Airadigm Communications, 616 F.3d 647 (7th Cir. 2010). TDS now holds an approximate 62.75% controlling interest in TDS and by the United States of America holds an approximate 37.25% minority interest. The parties obtained Commission consent to the transfer of control Airadigm's Broadband PCS licenses prior to the consummation of the transaction (see ULS File No. 0004717080), but failed to obtain prior Commission consent to the transfer of control of the international section 214 authorization.

TDS is a publicly traded Delaware corporation. TDS is controlled by a voting trust whose trustees are LeRoy T. Carlson, Jr. (President TDS), Walter C.D. Carlson (Chairman TDS), Prudence E. Carlson, and Dr. Letitia G.C. Carlson, who are brothers and sisters and are all U.S. citizens. The voting trust controls 53.6% of the voting power of TDS's total shares that vote in matters other than the election of directors and 94.4% of the Series A Common Shares which elect eight (8) of TDS's twelve directors. No other individual or entity holds 10 percent or greater direct or indirect equity or voting interest in TDS or Airadigm.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

Grant of this application is without prejudice to any enforcement action by the Commission for non-compliance with the Communications Act of 1934, as amended, or the Commission's rules.

ITC-T/C-20111229-00422 E XO Communications, LLC

Transfer of Control

Grant of Authority Date of Action: 01/11/2012

Current Licensee: XO Communications, LLC

**FROM:** XO Holdings, Inc. **TO:** XO Holdings, LLC

Notification filed September 16, 2011, of the pro forma transfer of control of international section 214 authorization, ITC-214-20001117-00674, held by XO Communications, LLC (XO LLC), from XO Holdings Inc. to XO Holdings LLC, effective August 18, 2011. XO Merger Corp. (Merger Sub), 100% owned five entities owned and contolled by Carl C. Ichan - Arnos Corp., Arnos Sub Corp., ACF Industries Holding Corp., Higherest Investors Corp., and Barberry Corporation (together the "Parent Group") - merged into XO Holdings Inc., in which the Parent Group held approximately 92% voting interest, with XO Holdings Inc. emerging as the surviving entity. After closing, all common stock in XO Holdings Inc. other than the common stock held by the Parent Group was cancelled and automatically converted into a right for the stockholders to receive cash and other consideration, and XO LLC became a wholly owned subsidiary of the Parent Group as a result of the merger. On August 31, 2011, XO Holdings Inc. was converted into a Delaware limited liability company - XO Holdings LLC - and Arnos Corp., Arnos Sub Corp., and ACF Industries Holding Corp., also converted into limited liability companies. Mr. Icahn now holds a controlling 100% indirect ownership interest in XO Holdings LLC through the Parent Group and thus in XO LLC.

The following wholly-owned subsidiaries of XO LLC provide international service under its international section 214 authorization, ITC-214-20001117-00674, pursuant to section 63.21(h) of the Commission's rules, 47 C.F.R. § 63.21(h): XO Communications Services, LLC.; XO Virginia, LLC; Telecommunications of Nevada, LLC; XO International, LLC.; and, XO NS, Inc.

## SURRENDER

ITC-214-19940406-00135

Air Touch Communications

By letter filed January 9, 2011, Applicant notified the Commission of the Surrender of its international section 214 authorization.

ITC-214-20060221-00095 Southern Illinois RSA Partnership

By letter filed January 9, 2012, Applicant notified the Commission of the Surrender of its international section 214 authorization.

ITC-214-20081029-00482 Alliance Telecom, Inc. d/b/a Global Prepaid Services

By letter filed November 30, 2011, Applicant notified the Commission of the Surrender of its international section 214 authorization.

## CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

- (1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is attached to this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global Section 214 authority, whether by Public Notice or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List will be maintained in the FCC Reference and Information Center and will be available at http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist. It also will be attached to each Public Notice that grants international Section 214 authority.
- (2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.
- (3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of Section 63.10 of the rules.
- (4) Carriers shall comply with the Commission's International Settlements Policy and associated filing requirements contained in Sections 43.51, 64.1001 and 64.1002 of the Commission's Rules, 47 C.F.R. §§ 43.51, 64.1001, 64.1002. The Commission modified these requirements most recently in International Settlements Policy Reform: International Settlement Rates, First Report and Order, FCC 04-53, 19 FCC Rcd 5709 (2004). In addition, any carrier interconnecting private lines to the U.S. public switched network at its switch, including any switch in which the carrier obtains capacity either through lease or otherwise, shall file annually with the Chief, International Bureau, a certified statement containing, on a country-specific basis, the number and type (e.g., 64 kbps circuits) of private lines interconnected in such manner. The Commission will treat the country of origin information as confidential. Carriers need not file their contracts for interconnection unless the Commission specifically requests. Carriers shall file their annual report on February 1 (covering international private lines interconnected during the preceding January 1 to December 31 period) of each year. International private lines to countries which the Commission has exempted from the International Settlements Policy at any time during a particular reporting period are exempt from this requirement. See 47 C.F.R. § 43.51(d). The Commission's list of U.S. international routes that are exempt from the International Settlements Policy may be viewed at http://www.fcc.gov/ib/pd/pf/isp exempt.html.
- (5) Carriers authorized to provide private line service either on a facilities or resale basis are limited to the provision of such private line service only between the United States and those foreign points covered by their referenced applications for Section 214 authority. A carrier may provide switched services over its authorized resold private lines in the circumstances specified in Section 63.23(d) of the rules, 47 C.F. R. § 63.23(d).
- (6) A carrier may engage in "switched hubbing" to countries that do not appear on the Commission's list of U.S. international routes that are exempt from the International Settlements Policy, set forth in Section 64.1002, 47 C.F.R. § 64.1002, provided the carrier complies with the requirements of Section 63.17(b) of the rules, 47 C.F.R. § 63.17(b). The Commission's list of U.S. international routes that are exempt from the International Settlements Policy may be viewed at <a href="http://www.fcc.gov/ib/pd/pf/isp\_exempt.html">http://www.fcc.gov/ib/pd/pf/isp\_exempt.html</a>.
- (7) Carriers shall comply with the "No Special Concessions" rule, Section 63.14, 47 C.F.R. § 63.14.
- (8) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under Section 63.10 of the rules shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61. Carriers shall not otherwise file tariffs except as permitted by Section 61.19 of the rules, 47 C.F.R. § 61.19. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 61.3, and providing detariffed international services pursuant to Section 61.19, must comply with all applicable public disclosure and maintenance of information requirements in Sections 42.10 and 42.11.
- (9) Carriers shall file the annual reports of overseas telecommunications traffic required by Section 43.61(a). Carriers shall also file the quarterly reports required by Section 43.61 in the circumstances specified in paragraphs (b) and (c) of

#### that Section.

- (10) Carriers shall file annual reports of circuit status and/or circuit additions in accordance with the requirements set forth in Rules for Filing of International Circuit Status Reports, CC Docket No. 93-157, Report and Order, 10 FCC Rcd 8605 (1995). See 47 C.F.R. § 43.82. See also §§ 63.22(e), 63.23(e). These requirements apply to facilities-based carriers and private line resellers, respectively. See also http://www.fcc.gov/ib/pd/pf/csmanual.html.
- (11) Carriers should consult Section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service. Further, the grant of these applications shall not be construed to include authorization for the transmission of money in connection with the services the applicants have been given authority to provide. The transmission of money is not considered to be a common carrier service.
- (12) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.
- (13) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in Section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of Section 64.1903.
- (14) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under Section 63.10 of the rules for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based switched service on that route unless the current rates the affiliate charges U.S. international carriers to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliated" and "foreign carrier" are defined in Section 63.09.

# Exclusion List for International Section 214 Authorizations

The following is a list of countries and facilities not covered by grant of global Section 214 authority under Section 63.18(e)(1) of the Commission's Rules, 47 C.F.R. § 63.18(e)(1). In addition, the facilities listed shall not be used by U.S. carriers authorized under Section 63.18 of the Commission's Rules unless the carrier's Section 214 authorization specifically lists the facility. Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate Section 214 application pursuant to Section 63.18(e)(3) of the Commission's Rules. See 47 C.F.R. § 63.22(c).

## Countries:

Cuba (Applications for service to Cuba shall comply with the separate filing requirements of the Commission's Public Notice, DA 10-112, dated January 21, 2010, "Modification of Process to Accept Applications for Service to Cuba and Related Matters.")

# Facilities:

All non-U.S.-licensed satellite systems that are not on the Permitted Space Station List, maintained at http://www.fcc.gov/ib/sd/se/permitted.html. See International Bureau Public Notice, DA 99-2844 (rel. Dec. 17, 1999).

This list is subject to change by the Commission when the public interest requires. Before amending the list, the Commission will first issue a public notice giving affected parties the opportunity for comment and hearing on the proposed changes. The Commission may then release an order amending the exclusion list. This list also is subject to change upon issuance of an Executive Order. See Streamlining the Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, FCC 96-79, 11 FCC Rcd 12,884, released March 13, 1996 (61 Fed. Reg. 15,724, April 9, 1996). A current version of this list is maintained at http://www.fcc.gov/ib/pd/pf/telecomrules.html#exclusionlist.

For additional information, contact the International Bureau's Policy Division, (202) 418-1460.